

# DIVERS SEARCHED ALL NIGHT AND DAY BUT NO BODIES WERE DISCOVERED.

Captains of the Sunken Ferry - Boat Northfield and the Mauch Chunk Held in \$2,500 Bail Each.

Divers who inspected every nook and cranny of the cabins and hold of the sunken Northfield report that there are no bodies in the wreck.

Divers are searching the cabins of the ill-fated Staten Island ferry-boat Northfield to-day for bodies of victims of last night's collision.

About a dozen persons have been reported missing by anxious relatives, but no bodies, except that of a boy, have been picked up.

Capt. Johnson, of the Northfield, and Capt. Griffin, of the Mauch Chunk, were admitted to bail in \$2,500 each this morning for examination on June 25.

Capt. Johnson says he signalled the Mauch Chunk and her captain responded, reversing his engines, while he crowded on steam to try to clear the Mauch Chunk's bows. He claims that the drift of the tide brought the boats in collision.

A rent thirty-five feet long and six feet wide was discovered by divers in the starboard hold of the Northfield just forward of the wheel.

## REPORTED MISSING.

ABOY, JUAN, twenty-four years old, of Staten Island.

ANDERSON, Mrs. VIOLA, No. 8 Dawson avenue, Port Richmond.

ANDERSON, JOHN, eight years old, son of Mrs. Anderson.

CHAS. CHARLES G. BAILEY, retired, U. S. A., Librarian of the District Attorney's office, home at Hyde Park, New Brighton, Staten Island.

BENNETT, F. J., nineteen years old, supposed to have been drowned in trying to save others.

COTTER, R. G., Western messenger, agent American Insurance Company, Newark, N. J.; case containing his cards found on the Northfield.

INNOC, Commisary Sergeant, U. S. A., of Governor's Island. Reported at Old Slip station to have been on sinking boat.

LAPIDRE, CLAUDE, West Brighton.

SMITH, FRANK, Port Richmond, in German Consulate.

VAN NAME, DAVID, reported missing by his friend, Alex. Lemon.

WRIGHT, J. V., New Brighton, S. I., usually went home on a 6 o'clock boat; relatives reported to police that he has not reached home or his bank.

BENTLEY, JUAN, Richmond Road, S. I.

DICKINSON, CHARLES, No. 25 Egbert avenue, West Brighton, S. I.

## INJURED.

DONAGAY, Miss ELIZABETH, of Port Richmond, hand cut.

DORMINGER, LUCY, No. 7 Tyson street, Saug Harbor, suffering from exhaustion and fright; Hudson Street Hospital.

PERNADEZ, MANUEL, broke three fingers.

IVENS, Miss LIZZIE, No. 5 Tyson street, Saug Harbor, caught and pinned in the wreckage. Face and body badly burned; taken to Eye and Ear Hospital.

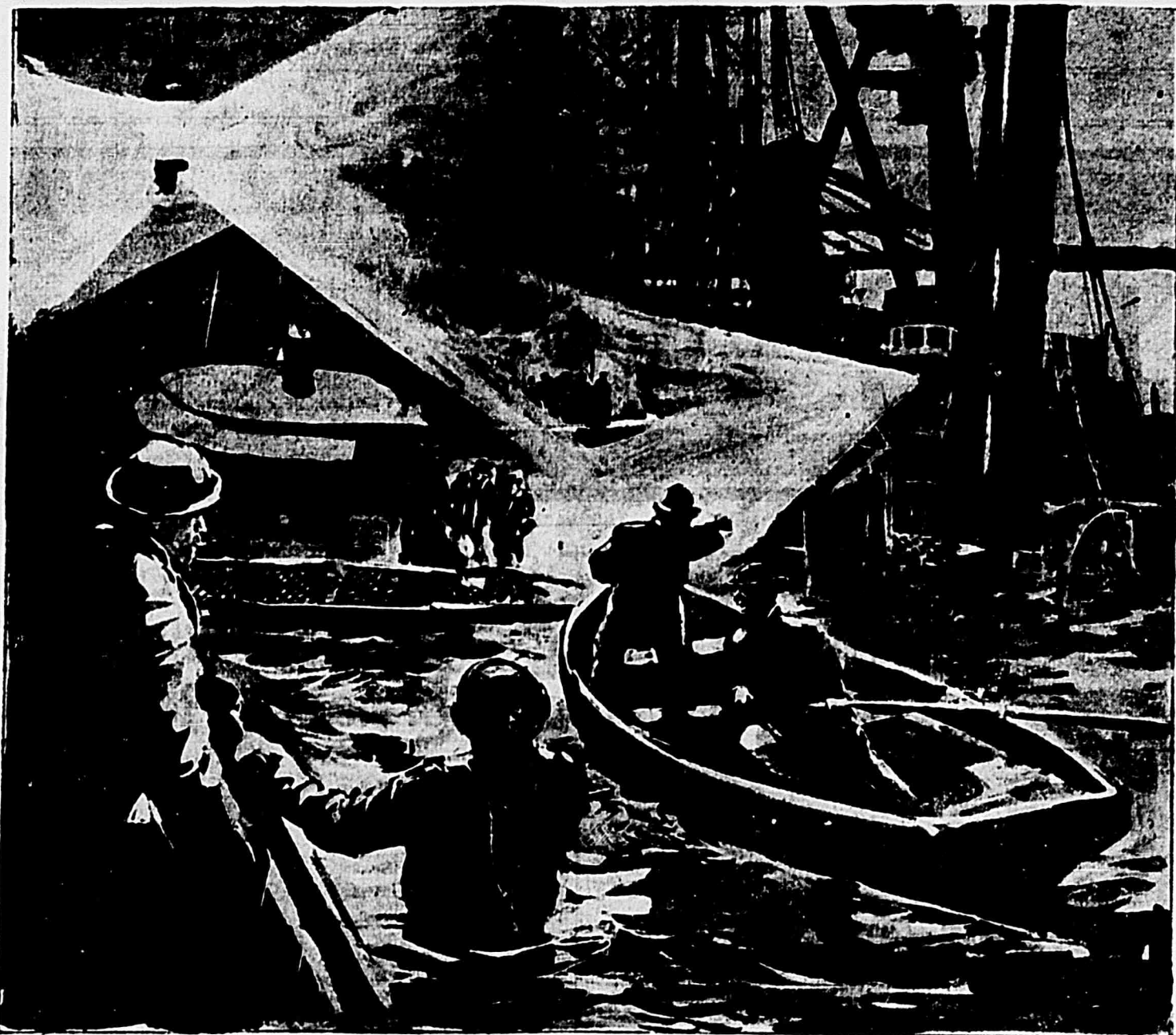
PITTING, ARCHIBALD R., of Manor Road, West Brighton; leg crushed by being caught between the ferry-boat and a tug taken home.

SHANNON, ANNE, suffering from exhaustion; taken to Hudson Street Hospital.

SILK, FRANK, broker, of Westbury, S. I. Believed to have been a passenger. Has not returned home.

WEDENMEYER, ARNOLD B., a lawyer, of Richmond Road; complexion left feet crushed and bruised about the body.

A search of the wreck of the ferry-boat Northfield by divers this morning



DIVERS SEARCHING FOR THE NORTHFIELD DEAD.

## MAUCH CHUNK'S CAPTAIN MAKES HIS STATEMENT.

It is a rule of the harbor that a ferry-boat going into a slip has the right of way over a ferry-boat in the slip. The boat in the slip must wait until the incoming boat is docked. This was the condition last evening. We were about to enter the slip and the Northfield was coming out. The Northfield did not wait.

The Staten Island Ferry Company has persistently violated this harbor rule. I have frequently made complaints to the Superintendent of the Staten Island Ferry Company about the actions of its pilots in this matter. I have warned him in writing that if his pilots continued to violate the rule there would be a disastrous collision, and just what I predicted has happened. I have been four years in the service and this was my first accident. Statement to the police of Capt. SYLVESTER C. GRIFFIN, of the ferry-boat Mauch Chunk.

The captains of the ferry-boats Northfield and Mauch Chunk, who are under arrest, are each announcing that the other was at fault. Until there is an inquiry and all the facts are brought out, the blame cannot be fixed.

The Northfield was a very safe craft and very unyielding. It had long been the expectation of Staten Islanders that some day she would fall to pieces out in the bay and drown all on board. It appears that she was two minutes late in leaving her slip on the 6 o'clock trip from the Battery to Staten Island last night.

Capt. S. C. Griffin, of the Mauch Chunk, which was just coming to her Battery slip from Communipaw, knew according to the schedule the Northfield should have been out of her slip. It does not appear that he knew that she had been delayed, but he noticed that she had not passed out by Governor's Island.

## Collision Inevitable.

According to the latest stories, when Capt. Johnson of the Northfield, sighted the Mauch Chunk he signalled that he was going straight ahead and that the Central Railroad of New Jersey ferry-boat should stop to allow him to cross her bows. At the same moment Capt. Griffin, of the Mauch Chunk, gave a similar signal.

Capt. Griffin asserts that he was right; and Northern trains and took up positions on the hills to the north of the Van Cortlandt mansion. The latter place was the centre of operations, and the Twenty-second Regiment, commanded by Col. Franklin Bartlett, took up a position in front of the mansion.

The battery was in position near by before the Twenty-second arrived.

The battle began at 10:30 o'clock, when the battery deployed and commenced to shell the heights to right and left. The Ninth made a movement and exposed themselves, but the Twelfth continued to hold a splendid position on Monument Hill, about a mile from the centre of the attacking party.

The firing continued for about three hours, the Ninth Regiment making an attack on the battery and silencing it. The Twelfth continued to hold its position to the north of the mansion, and even at the close of the battle.

Gen. Bull commanded the operations of the brigade. On his staff were Lieut. Col. Henry S. Clark, Assistant Adjutant General, Major Frank B. Kerck, engineering officer, and Capt. F. L. V. Hoppin and James W. Girard, Jr., Aide-de-Camp.

Vice-President Theodore Roosevelt was a guest of honor at the manoeuvres. He praised the men for their soldierly appearance and good work in the field.

## STATEN ISLANDER DROWNED.

Caffrey Lost His Life in the Kill von Kull.

Herbert W. Caffrey, thirty-two years old, living on Central avenue, Mariners' Harbor, S. I., was drowned off Staten Island this morning.

The body was recovered this morning.

that it is the harbor rule that incoming ferry-boats have the right of way.

It was apparent to the passengers on both boats that a collision was inevitable. Those on the Northfield, infected with a Staten Islander's superstition that the craft was doomed to be a vehicle of death, lost their heads even before the shock came.

The Mauch Chunk tipped a hole six feet wide in the hull of the Northfield just forward of the starboard wheelhouse. Water poured into the engine-room, driving out Engineer Michael Lloyd and his firemen. Instinctively the passengers swarmed to the side of the

boat away from the point of impact, immediately giving the Northfield a list to port.

The influx of water on the starboard side soon equalized this and placed the disabled boat on an even keel. The fires were drowned, the machinery stopped and the boat was helpless.

Capt. Griffin, the river was swarming with tugs, and the river was swarming with tugs, and the river was swarming with tugs.

It was most fortunate that the tide was at flood. Had there been an ebb tide the Northfield would have been swept toward Governor's Island, perhaps into Buttermilk Channel. Had she gone down there the loss of life must have been tremendous.

## One Revolting Feature.

Sad to say, there were many craven

men on the Northfield. These fought with women for places along the rail on the upper decks, smashing with their fists, crowding with their elbows, kicking with their feet.

They swept aside women with babies in their arms, trampled on children and climbed over men weaker than themselves. It is a revolting fact that the first seventy passengers rescued by the tugs were males.

While those on board fought for places on the upper deck the Northfield drifted up the East River. At least a score of persons leaped from her hurricane deck into the river between the Battery and pier 12, where she went down. The first tug to reach her was the Mutual, with Capt. Dan Gully at the wheel.

Miss Grace Sullivan, of No. 122 New York avenue, Rosebank, Staten Island, was on the boat and was reported missing. She is safe and slept at her home last night.

Fears for Three More.

It is feared that Jere W. Wright, note teller of the Oriental Bank, Grand street and the Bowery, is among the dead. His home was in New Brighton. He did not appear there last night, nor did he appear at the bank at the opening hour this morning.

Gen. Charles G. Bartlett, retired, U. S. A., Librarian of the District-Attorney's office in the Criminal Court's building, did not appear this morning. His home is at Hyde Park, New Brighton, Staten Island, and he was not there last night.

His sister was at the Kennedy trial yesterday afternoon. He accompanied her to an afternoon boat for Staten Island and then went uptown for the purpose of buying a suit of clothes. He told her that he would take the 6 o'clock boat and be home for dinner. The 6 o'clock boat was the ill-fated Northfield.

Official Investigation.

The United States steamboat inspectors will not be able to begin their investigation into the accident until the responsibility for the disaster for some time.

Nothing can be done until the two captains make their reports under oath.

## About a Dozen Passengers Have Been Reported Missing and They May Have Been Drowned—List of Injured.

As both are now under arrest they will not be able to make these reports until their release.

These reports are supposed to be made to the local inspectors within forty-eight hours of the occurrence of the accident.

Captains Arraigned.

Capt. Johnson, of the Northfield, and Capt. Griffin, of the Mauch Chunk, were arraigned before Magistrate Crane in Centre Street Court this morning. They were not represented by counsel.

Inspector Thompson, who appeared to have charge of the police end of the proceedings, said that the collision was an accident and that he had no witnesses. He wanted Capt. Johnson paroled in his custody.

"I'll do nothing of the kind," said the Magistrate. "We'll see if there are no witnesses. We'll see if a lot of old hulkies can go floating around the harbor at random endangering the lives of hundreds of citizens. Bail is fixed at \$2,500 in each case and the men are held for examination on June 25."

J. Frank Emmons, President of the Staten Island Rapid Transit Co., immediately furnished bail for Capt. Johnson. Capt. Griffin secured bail within a few minutes.

Relics of the Wreck.

A bureau of information has been established in the station of the Harbor Police, at Pier A. All of the wreckage found in the wreckage has been taken there. There are many hats, one bonnet that had evidently been worn by an aged lady, and a stylishly trimmed sailor. Strange relics of the wreck are two women's skirts, which had evidently been torn off in the crush.

Capt. Forsythe, of the tug John E. Welch, picked up the following articles: a black coat, the pockets of which were a pocketbook, a small silver pencil and a Staten Island ferry ticket; a child's blue dannel sack with gold braid.

Horse and Wagon Found.

At 10:45 o'clock this morning the body of a large white horse and an express wagon was washed up from the wreckage at pier 12 East River. There was no name on the wagon or marks by which it could be identified.

NO ONE KILLED ON THE INGALLS.

## Relatives of Workmen Kept in Horrible Suspense by Action of John N. Robins.

A force of workmen was busy this morning about the United States transport Ingalls, getting ready to rescue her from her uncomfortable berth.

The last man has been accounted for. He is an electrician and showed up this morning. The injured at the hospital are doing well.

Probably the most remarkable incident connected with the destruction of the dock in which the Ingalls nestled was the violent attitude of John N. Robins, owner of the yard, toward the members of the press.

Hundreds of lives had been placed in jeopardy. The report of the accident travelled fast, and wives, sisters and children looked eagerly for some news which would tell them of the safety of their loved ones.

They could not all go to the dock and relied upon the press.

Robins used every effort to prevent the reporters from securing the information the public demanded. His apathy toward women and children who waited in despair at his gates caused men to revile him bitterly.

It was due to John N. Robins alone that anxiety and distress were caused in many Brooklyn homes, the inmates of which sought news which would relieve their suspense.

A party of army officers called at the dock this morning, sent by Col. Kimball, chief quartermaster, to inquire into the condition of the transport. They were refused admittance by a second officer, who had been given orders to admit no one.

The officers were on the point of forcing an entrance when Third Officer Lawrence, of the Ingalls, appeared and gave orders to open the gates.

The officers were angry and vowed to make trouble for some one. It will be some time before the transport can be put in commission.

# JUDGE'S CHARGE STRONG AND FAIR.

## Most Important Points Were on Degree of Murder and Alibi Defense.

Judge Newburger began his charge to the Kennedy jury immediately after the opening of court this morning. He said:

"Gentlemen of the jury, it is my intention to lay before you certain points of law to be considered in this case—a case of the greatest importance and involving the life or liberty of this man, who is on trial here before you charged with the crime of murder."

"The Justice spoke deliberately and distinctly. He paid a tribute to the high character of the jury and their undoubted intelligence, and urged them to perform their duty ably and fearlessly."

"This case is to be determined upon the legal evidence presented. You are to determine, and you swore that you would determine, the question of the innocence or guilt of the prisoner. With the question of punishment the juror has nothing to do whatever."

Sitting near Dr. Kennedy's old father was his wife, listening eagerly to every word and trying to determine whether the charge was to be for or against her husband.

Before the Judge had been speaking ten minutes it was apparent that the charge would be strong but unprejudiced, that it would not be tinged with any sentiment calculated to influence or encourage a verdict of acquittal.

After explaining the different degrees of murder under the Penal Code, Judge Newburger said:

Question of Intoxication.

"The defendant, Samuel J. Kennedy, is charged with murder in the first degree. If he deliberately committed this murder, taking the weapon to the scene of the crime, to strike his victim, then he committed murder in the first degree."

If he was at that time under the influence of any drug or intoxicant, he is equally guilty, and the jury may take into consideration the fact whether or not he was in a voluntary state of intoxication. If the intoxication had extended to such an extent as to be incapable of forming an intent to kill, then the jury may give consideration to that point.

Definite Purpose to Kill.

"If you find that this defendant was at the time of the murder under the influence of certain drugs or intoxicants, so much so that he was not capable of forming a definite purpose to murder, then you may find him guilty of murder in the second degree."

Kennedy seemed to shudder as he heard this suggestion fall from the lips of the Judge. It meant a long term of imprisonment for her husband. The jury seemed to consider the suggestion as if it was a new idea to most of them.

Wife and Father Arrive.

As near to him as she could get sat the brave woman who through three awful torture-trials has fulfilled the duty she took at the altar to love and cherish her husband, and now, as he lay on his deathbed, she was there to see him die.

Her eyes were strained and her features drawn. The tense look relaxed only when she glanced at her husband. Then once or twice her eyes moistened and a look of infinite pity softened her face.

Judge Newburger's charge was interrupted by a request from Juror No. 4, John H. Thompson, to be excused for a moment. This gave the reporters their first chance to let out batches of copy.

Juror Rebuked.

It also gave Juror Schaeffer the opportunity that he evidently had been waiting for, and led to a stern rebuke from the Court. Mr. Schaeffer walked over to the reporters' table and said:

"I want to ask you gentlemen not to send out stories to-day saying that I am ill. They nearly scared my wife to death yesterday, and she is very nervous to-day. I am all right again, anyway."

"To whom is that juror talking?" asked Judge Newburger. "Here, sir, stop that! Don't you know that is most improper?" Mr. Schaeffer explained and was forgiven after apologizing for his indiscretion.

Beyond Reasonable Doubt.

In defining circumstantial evidence the Justice dwelt upon the point that in criminal cases where death is the penalty the jurors must be satisfied of guilt beyond any reasonable doubt.

Kennedy Unmoved.

Dr. Kennedy sat with his head resting on his clinched left hand, his eye fastened upon Justice Newburger's face. Not a muscle of his pale face moved; he seemed almost entranced.

Judge Newburger quoted extensively from his legal authorities on the consideration of and admission of circumstantial evidence. It was only occasionally that he alluded to the case on

trial, and he seemed to avoid even mentioning Dr. Kennedy's name.

"If all the circumstantial evidence in this case points in one direction and to the guilt of the accused, then, under the sanctity of your oaths, you must bring in a verdict of guilty," said the Judge emphatically.

Mrs. Kennedy in Tears.

At intervals Mrs. Kennedy wiped her eyes. The tears would come, strive as she might, for the fearful solemnity of the Judge's voice and manner was smothering to the wife of the accused man.

The question of an alibi was not considered by the Justice. He said that in Kennedy's case the alibi ought to be complete or it would not have the necessary weight. That an alibi must be established by absolutely reliable witnesses—persons of character.

Alibi Easily Concealed.

"This defense, however, is easily concealed, and is therefore often entertained with much distrust. Yet if it appears to be founded in truth it is the very best defense and in many cases the only defense the prisoner can offer."

"Where the defense of an alibi fails is usually on the ground that the witnesses are not believed. The credibility of an alibi is best maintained if the defense is set up at the start and consistently maintained."

"It loses much of its credibility, however, when it is not set up at first, but is interposed subsequently to another defense."

Against Kennedy.

Judge Newburger's charge so far was general in character, but his remarks regarding an alibi defense were regarded as strongly against Kennedy.

It is not necessary to say to an intelligent jury that a defendant is entitled to a reasonable doubt, not all doubt. A reasonable doubt is a doubt which honest, careful men may entertain after considering the evidence."

Judge Newburger then dwelt upon the character of the accused man. "He has a right to defend himself, but he has a duty to do so. He has a particularly good character on the island where he lived prior to the crime of which he is accused. A man of high character is not so liable to commit a crime as one who stood less high in the community. The defendant's good character must be considered."

Prisoner Did Not Testify.

"The defendant has not taken the stand to testify in his own behalf. The fact, as it has been held by the Court of Appeals, must not be considered against him."

Kennedy's eyes swept up and down the two rows of jurors! He tried to read the effect upon each face, but failed; the defendant's eyes of the effect the charge was having upon him.

The Judge then explained the difference between the two degrees of murder. If there is a reasonable doubt of his guilt in the first degree, but no reasonable doubt as to his guilt of murder in the second degree, then you must find him guilty of murder in the second degree as you may decide.

Question of Degree.

"It is for you to judge, gentlemen of the jury, from the evidence in this case whether the defendant is guilty or innocent of the crime of murder in the first degree or of any lesser degree of crime. If there is a reasonable doubt of his guilt in the first degree, but no reasonable doubt as to his guilt of murder in the second degree, then you must find him guilty of murder in the second degree as you may decide."

Disregard Other Trials.

"References to the former trials of this defendant, I charge you, must not be considered. You are to consider only the evidence adduced here during this trial."

Your verdict must not be governed by sympathy, whether your verdict is the highest or the lowest degree (he did not mention the painful features of the law that the prisoner does not always suffer as much as his relatives and friends. But that is not for you to consider.)

The Judge Closes.

Judge Newburger then brought his charge to an end by saying:

"This case is now with you. I have no doubt you will discharge the responsibility intrusted to you without fear or favor."

Lawyer Moore arose at the end of the charge and requested the Justice to charge the jury on the question of motive, which Justice Newburger did briefly.

The jury went out at 12:30 o'clock. When the jurors entered their room it was evident that some of them were prepared for a long stay. Mr. Smith, who is Juror No. 10, carried a satchel in which he had a full toilet set. Mr. Barnes, who is Juror No. 12, carried a traveling bag. After being in the jury-room for a short while the jurors were taken to the Astor House for luncheon.

## ROOSEVELT AT SHAM BATTLE.

## Vice-President Praises First Brigade for Field Work.

The First Brigade of the National Guard had a sham battle at Van Cortlandt Park to-day, in which the Twenty-second Regiment and the First Battalion were supposed to represent the attacking column, and the Twelfth and Ninth were the guard of an attacking column, and the Twelfth and Ninth were the guard of an attacking column, and the Twelfth and Ninth were the guard of an attacking column.

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## SIX WOMEN TRY FOR BAR.

## A Class of 219 Law Students Was Examined To-Day.

A class of 219 law students was examined to-day for admission to the bar in the examination hall of the Court-House of the Appellate Division of the Supreme Court.

The examination was under the direction of the State Law Examiners—William P. Goodell, Franklin M. Dana, and Edward F. Brown.

The calls included six young women, Blanche Hammett Arnold, Anna Flynn, Edith M. Hadley, Jeannette V. Minor, Helen St. Clair Mullen and Josephine Stary.

Ex-Assemblyman Harvey T. Andrews and John Henry Atkins, a colored man, also took the examination.

Among other members of the class who took the examination were Frank Brookfield, a son of William Brookfield, and Daniel P. Ingraham, Jr., son of Justice Ingraham, of the Appellate Division.

## DR. VON BERGER'S FRIEND KNOWN.

## Mrs. Blanche Duckworth Was with Prisoner When Arrested.

The mysterious companion of Dr. Franz von Berger, who is in Ludlow Street Jail awaiting extradition to England for the alleged swindling of Helen Creydt, of Cologne, is known.

When Dr. Berger was arrested at West Shore depot last week he had come from the exercise at West Point. In his company was a beautiful young woman, who is known as Mrs. Blanche Duckworth, of No. 100 West Sixty-first street.

She was dumbfounded to see the officers take him in custody and almost fainted at the revelation that he was a swindler.

Mrs. Duckworth was a Miss Blanche Solomon and an aunt of Louis Hartman, who committed suicide in Chicago recently, after ending the life of Rose Violette, an actress. She was dis-

verged recently from Mr. Frankfurter, a well-known tailor.

Mrs. Duckworth's connections are prominent, she being a sister of Mrs. Henry Edelmuht, wife of the Vice-President of the United States Beef Company. A brother is George D. Solomon, President of the Porto Rican Tobacco Company.

Dr. Berger crossed on the same steamer with Mrs. Duckworth and was polite and attentive. He earned her respect and was her companion on several little excursions around New York.

He shared the notoriety of his friend-ship for Von Berger and remained with her sister, Mrs. Henrietta Moore, at No. 121 East One Hundred and Twenty-first street, for several days after Von Berger's arrest.

Mrs. Duckworth admitted that she cared for the Austrian and might have married him, but all is changed now. She visited him at Ludlow Street Jail out of compassion, but affirms now that she has cast him out of her heart.